

REMARKS

The above-identified patent application has been amended and reconsideration and reexamination are requested.

Applicant's representative and the examiner had a telephonic interview on 9-10-02. Discussed was claim 1 and the Markman reference. No agreement was reached on the claim 1.

The Examiner rejected claims 1-4, 6-16 and 18-26 under 35 U.S.C. §102(e) as being anticipated by U.S. 5,794,213 Markman.

Claim 1 was amended to move a clause in the verifying action of claim 1 to make that clause more readable. Claim 1 as amended now calls for verifying that "articles belong to a physically grouped order with the articles having been physically grouped by a manual or automated grouping process into the physically grouped order." This feature is not described by Markman. Markman operates on ungrouped articles and seeks to group them.

Claim 1 also recites positively indicating to an operator if the scanned unique sequential code does not correspond to an item that properly belongs in the physically grouped order. This feature is also not described by Markman.

Applicant verifies that a previous physical grouping of articles into a group order was done properly. Markham has no such teaching.

Markham cannot verify that an assembled order or group was properly done. Applicant points out in the specification instances where it is desirable to test if grouping of articles was done properly. Thus, indicating to an operator if the scanned unique sequential code does not correspond to an item that belongs in the grouped order is neither described nor suggested by Markham and serves to distinguish Claim 1 from Markham.

Claims 13 and 24 now recite verifying that articles "belong to a physically grouped order with the articles having been physically grouped by a manual or automated grouping process into the physically grouped order." As indicated above for claim 1, Markman does not teach or suggest this.

The Examiner rejected claims 27-33 as being unpatentable over Markman in view of Amacher et. al. (U.S. 4,716,281) under 35 U.S.C. §103(a). Neither, Markman nor Amacher teach or suggest a method that verifies articles "belong to a physically grouped order with the

Applicant : Paul E. Massod
Serial No. : 09/334,574
Filed : June 21, 1999
Page : 4

Attorney's Docket No.: 10925-002001

articles having been physically grouped by a manual or automated grouping process into the physically grouped order." Therefore, claims 27-33 should be allowed.

Claim 26 has been amended to remove the so called improper language.

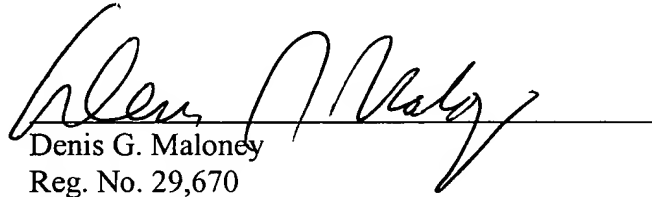
With regard to the other claims, since claims 2-4, 6-12 and 23 depend directly or indirectly on claim 1, claims 14-16, and 18-22 depend directly or indirectly on claim 13, and claims 25 and 26 depend directly or indirectly on claim 24, these claims should be allowed as submitted.

For the reasons stated above, we submit that the claims are now allowable and ask the Examiner to allow them. Please apply any other charges or credits to Deposit Account No. 06-1050. Attached is a marked-up version of the changes being made by the current amendment.

Respectfully submitted,

Date: _____

9/17/02



Denis G. Maloney
Reg. No. 29,670

Fish & Richardson P.C.
225 Franklin Street
Boston, Massachusetts 02110-2804
Telephone: (617) 542-5070
Facsimile: (617) 542-8906

Version with markings to show changes made

In the claims:

Claim 1, 13, 24, 25 and 26 have been amended as follows:

1. (Four times Amended) A method of inventory management comprises:

verifying that articles belong to a physically grouped order with the articles having been
[, which were] physically grouped by a manual or automated grouping process into [a] the
physically grouped order, said verifying further comprising[belong to the physically grouped
order]:

[examining codes on tags by] scanning unique identifier codes on [the] tags, each tag
uniquely associated with one article in the physically grouped order to determine that the article
properly belongs in the physically grouped order; and
positively indicating to an operator if the scanned unique sequential code does not
correspond to an item that properly belongs in the physically grouped order.

13. (Four Times Amended) A computer program product residing on a computer readable
media for use in a dry cleaning establishment comprises instructions for causing a computer to:

verify that articles belong to a physically grouped order with the articles having been [,
which were] physically grouped by a manual or automated grouping process into [a] the
physically grouped order, [belong to the physically grouped order,] wherein instructions to verify
comprise instructions to:

[examine codes on tags by] scan unique identifier codes on [the] tags, each tag uniquely
associated with one article in the physically grouped order to determine that the article properly
belongs in the physically grouped order; and

indicate to an operator if the scanned unique sequential code does not correspond to an
item that properly belongs in the physically grouped order.

24. (Four Times Amended) An apparatus for verifying inventory grouping comprises:

a scanner to scan codes on labels;

a computer having a computer readable storage media storing a computer program product comprises instructions for causing the computer to:

verify that articles belong to a physically grouped order with the articles having been [, which were] physically grouped by a manual or automated grouping process into [a] the physically grouped order, [belong to the physically grouped order,] wherein instructions to verify comprise instructions to:

[examine codes on tags by] scan unique identifier codes on [the] tags, each tag uniquely associated with one article in the physically grouped order to determine that the article properly belongs in the physically grouped order; and

[indicate when an article has been scanned previously] positively indicate to an operator if the scanned unique sequential code does not correspond to an item that properly belongs in the physically grouped order.

25. (Once Amended) The apparatus of claim 24[wherein the computer program product residing on a computer readable media is adapted for use in a dry cleaning establishment], further comprising computer instructions to indicate when an article has been scanned previously.

26. (Thrice Amended) The apparatus of claim 25 further comprising:
a printer to print tags having unique sequential identification[for affixing to the articles and/or a ticket or an invoice].